

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CLAUDIO MIGUEL PUELLO,

Petitioner,

-against-

03 Civ. 2984 (KMW) (MHD)
03 Civ. 5082 (KMW) (MHD)
ORDER

UNITED STATES OF AMERICA,

Respondent.

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WOOD, U.S.D.J.:

By a report and recommendation dated February 26, 2004 (the "Report"), familiarity with which is assumed, Magistrate Judge Michael H. Dolinger recommended that the writ be denied and the two petitions be dismissed with prejudice. For the reasons explained below, the Court adopts this recommendation.

The Report explicitly cautioned that failure to file timely objections would result in a waiver of objections and preclude appellate review. Report, at 8. See Thomas v. Arn, 474 U.S. 140, 155 (1985); IUE AFL-CIO Pension Fund v. Herrmann, 9 F.3d 1049, 1054 (2d Cir. 1993), cert. denied 513 U.S. 822 (1994); Small v. Sec'y of Health & Human Servs., 892 F.2d 15, 16 (2d Cir. 1989). No objections have been filed, and the time to object has expired.

The Court has reviewed the Report, and finds it to be well-reasoned and free of any "clear error on the face of the record." Fed. R. Civ. P. 72(b) Advisory Committee's note; see also Nelson

v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985) ("To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.").

The Court dismisses Puello's two petitions with prejudice. The Clerk of the Court is directed to close this case. Any pending motions are moot.

SO ORDERED.

Dated: New York, New York
September 13, 2005

Kimba M. Wood
Kimba M. Wood
United States District Judge